

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

SADRICK DONALDSON
(Plaintiff,)

v.

UNITED STATES OF AMERICA
(Defendant.)

CIVIL ACTION NO. 04-257E
JUDGE: _____

PLAINTIFF'S RESPONSE TO THE DEFENDANT'S
MOTION FOR DISMISSAL OF PLAINTIFF'S COMPLAINT,
OR IN THE ALTERNATIVE, FOR SUMMARY JUDGMENT.

NOW COMES, the (plaintiff) Sadrick Donaldson, pro se, and hereby respectfully submit his response to the Defendant's motion for Dismissal of Summary Judgement and the plaintiff respectfully move the Court to deny the Defendant's Motion to Dismiss or, in the Alternative, for Summary Judgment in favor of the Plaintiff, upon the grounds that.

1. The Court has jurisdiction over the subject matter in reference to (b) (1) subject to the provisions of Chapter 171 of this title, the district Courts, Shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on or after January 1, 1945, for injury or loss of property, or personal injury

or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred. (See): 28 U.S.C. § 1346(b).

2. The Defendant assert that the motion to dismiss plaintiff complaint has no genuine issue as to any material fact. The plaintiff would like to reiterate once again if the Court Could refer back to plaintiff's Complaint for money damages, Injunctive relief, and Demand for jury trial from Denial of Tort Claim filed. See page 2 through 7 of the Complaint, there you will find a well detailed Complete statement of material facts supporting plaintiff claims. Plaintiff's pleading has merit of the law both jurisdictional and statement of material facts.

WHEREFORE PLAINTIFF, Sadrick Donaldson prays that this Honorable Court, deny the Defendant's motion.

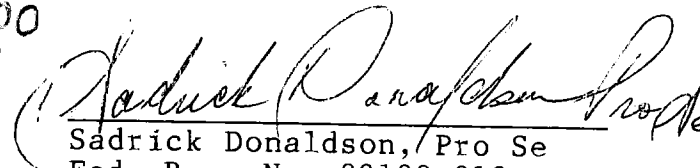
CERTIFICATE OF SERVICE

I, Sadrick Donaldson, hereby certify that a true and correct copy of Plaintiff Motion in Response to the Defendant's Motion for Dismissal of Plaintiff's Complaint, or in the Alternative, for Summary Judgment has been served, by first class postage prepaid placement in the institutional legal mailbox, this ^{29th}~~30th~~ day of September, 2005 to:

1. Clerk of the Court
U.S.D.C. for W.D. of PA
Fed. Bldg. & U.S. Courthouse
617 State Street
Erie, PA 16501

and to

2. PAUL E. SKIRTICH
Asst. U.S. Attorney
U.S.P.O. & Ctouse
700 Grant St., Ste. 400
Pittsburgh, PA 15219


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